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P/24-182

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Christian DURAFFOURD et al.

Date: July 22, 2004

International Application No. : PCT/FR02/03089

International Filing Date : 11 September 2002

For: METHOD FOR DETERMINING A PATIENT'S BIOLOGICAL STATE

Mail Stop PETITION

U.S. Patent and Trademark Office

P.O. Box 2327

Arlington, VA 22202

Attn.: BOX PCT

PCT LEGAL OFFICE

**PETITION UNDER 37 C.F.R. §1.137(b) TO REVIVE AN UNINTENTIONALLY
ABANDONED INTERNATIONAL APPLICATION DUE TO DELAY IN ENTERING
THE NATIONAL STAGE IN THE UNITED STATES OF AMERICA**

Sir:

Pursuant to 37 C.F.R. § 1.137(b), Applicant, through the undersigned attorneys, petitions to revive the above-noted International application as to the United States of America (which was published as WO 03/025564) because the national stage was not entered in the United States Patent and Trademark Office within the thirty (30) months provided in 37 C.F.R. § 1.495(b) and (h), such delay in entering the national stage having been unintentional.

The documents enclosed with this Petition are:

(a) the PCT application, International Publication No. WO 03/025564, based on the above-noted International application;

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- (b) the International Search Report which accompanies the specification, Form PCT/ISA/210; and 4 references
- (c) the English language translation of the PCT International application as published;
- (d) the U.S. patent application;
- (e) the signed Inventors' Declaration;
- (f) the First Preliminary Amendment;
- (g) the application filing fee for a small entity of \$460.00;
- (h) the surcharge of \$65.00 for the late filing of the Inventors' Declaration; and
- (i) the surcharge of \$130.00 for the late filing of the English language translation;
- (j) the Assignment and recording fee of \$40.00.

These are the documents required to initiate and continue prosecution of the United States application based on the International application.

The petition fee of \$665. for a small entity is enclosed. 37 C.F.R. § 1.17(m).

The check which includes the calculated fee of \$ 1360.00 (OFGS Check No. 17564) is attached.

The undersigned, attorney for the Applicant, has been advised by the Applicant and therefore is informed and believes that the entire delay in entering the national stage in the United States Patent and Trademark Office from the due date for entering the national phase in the United States until the date of this Petition was unintentional by the Applicant.

This Petition is being filed within one year of the date on which the application became abandoned. The International application claims priority from France patent application No. 0111744 filed 11 September 2001. Applicant had thirty (30) months or until 11 March 2004 to enter the national phase in the United States. The application became abandoned in the United

States Patent and Trademark Office on 11 March 2004, which is less than one year prior to the filing of this Petition.

As the undersigned is admitted to practice before the United States Patent and Trademark Office, the statements herein by the undersigned are not verified.

The Commissioner is hereby authorized to charge any additional fees which may be required, to Deposit Account No. 15-0700. A copy of this sheet is enclosed.

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail Post Office to Addressee (mail label # EV 342528658 US) in an envelope addressed to: Mail Stop PETITION, (Attn: BOX PCT, PCT Legal Office) on July 22, 2004 :

DOROTHY JENKINS

Name of Person Mailing Correspondence .

Dorothy Jenkins

Signature

July 22, 2004

Date of Signature

RCF:sjw

Enclosures

Respectfully submitted,

Robert C. Faber

Robert C. Faber

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